

House File 2065 - Introduced

HOUSE FILE 2065

BY BYRNES

A BILL FOR

1 An Act providing for a statewide collective bargaining contract
2 for teachers and including effective date and applicability
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

STATEWIDE TEACHER COLLECTIVE BARGAINING AGREEMENTS

Section 1. Section 8A.402, subsection 1, paragraph g, Code 2016, is amended to read as follows:

g. Employment relations, including the negotiation and administration of collective bargaining agreements on behalf of the executive branch of the state and its departments and agencies and school districts and area education agencies as provided in [chapter 20](#). However, the state board of regents, for the purposes of implementing and administering collective bargaining pursuant to [chapter 20](#), shall act as the exclusive representative of the state with respect to its faculty, scientific, and other professional staff.

Sec. 2. NEW SECTION. **20.17A Statewide collective bargaining — teachers.**

1. The department of administrative services shall negotiate proposed collective bargaining agreements with public employees who are teachers licensed under chapter 272 and who are employed by a public employer which is a school district or area education agency on behalf of such school districts and area education agencies on a statewide basis.

2. A school district or area education agency shall not, pursuant to this chapter, negotiate or enter into a collective bargaining agreement with teachers licensed under chapter 272 and not negotiated with the department of administrative services for a duration extending beyond June 30, 2017. A school district or area education agency shall not, pursuant to this chapter, renew, continue, or otherwise extend the duration of any collective bargaining agreement with teachers licensed under chapter 272 and not negotiated with the department of administrative services unless the duration of such agreement ends on or before June 30, 2017.

Sec. 3. **NEGOTIATION OF FIRST STATEWIDE TEACHER COLLECTIVE BARGAINING AGREEMENT.** In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a

1 different completion date, public employees represented by a
2 certified employee organization who are teachers licensed under
3 chapter 272 and who are employed by a public employer which
4 is a school district or area education agency shall complete
5 the negotiation of the first proposed collective bargaining
6 agreement negotiated pursuant to section 20.17A, as enacted by
7 this Act, not later than May 31, 2017.

8 Sec. 4. TRANSITION PROCEDURES. The public employment
9 relations board shall establish any procedures necessary
10 to facilitate the implementation of statewide collective
11 bargaining as provided in this Act with public employees who
12 are teachers licensed under chapter 272, and of any agreement
13 entered into pursuant to such collective bargaining, by
14 school districts and area education agencies that, before the
15 effective date of this division of this Act, have entered into
16 collective bargaining agreements with such employees with
17 durations extending beyond June 30, 2017, upon the expiration
18 of such agreements.

19 Sec. 5. REPORT ON CHANGES IN LAW. By December 16, 2016,
20 the public employment relations board and the department
21 of education shall submit a report to the general assembly
22 recommending any transition provisions and any changes to the
23 Code, administrative rules, or other law that may be necessary
24 to fully implement this Act.

25 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
26 Act, being deemed of immediate importance, takes effect upon
27 enactment.

28 Sec. 7. APPLICABILITY. The provisions of this division of
29 this Act amending section 8A.402 and enacting section 20.17A
30 do not apply to collective bargaining agreements entered into
31 before the effective date of this division of this Act.

32 DIVISION II

33 CONFORMING STATUTORY AMENDMENTS

34 Sec. 8. Section 257.10, subsection 9, paragraph d, Code
35 2016, is amended to read as follows:

1 ~~d. For the budget year beginning July 1, 2009, the use~~
2 ~~of the funds calculated under this subsection shall comply~~
3 ~~with the requirements of chapter 284 and shall be distributed~~
4 ~~to teachers pursuant to section 284.3A.~~ For the budget year
5 beginning July 1, 2010, and succeeding budget years, the use of
6 the funds calculated under this subsection shall comply with
7 the requirements of chapter 284 and shall be distributed to
8 teachers pursuant to section 284.3A.

9 Sec. 9. Section 273.12, Code 2016, is amended to read as
10 follows:

11 **273.12 Funds — use restricted.**

12 Funds generated for educational services shall not be
13 expended by an area education agency for the purpose of
14 assisting either a public employer or employee organization
15 in collective bargaining negotiations under chapter 20 if
16 the public employer is a school district, or the employee
17 organization consists of employees of a school district,
18 located within the boundaries of the area education agency.
19 Funds generated for educational services shall not be expended
20 by an area education agency for the purpose of assisting the
21 department of administrative services in collective bargaining
22 negotiations under chapter 20.

23 Sec. 10. Section 273.22, subsection 2, paragraph b, Code
24 2016, is amended to read as follows:

25 b. The board of the newly formed area education agency or
26 the department of administrative services, as appropriate,
27 using the base agreement as its existing contract, shall
28 bargain with the combined employees of the affected agencies
29 for the school year that begins on the effective date of the
30 reorganization. The bargaining shall be completed by the dates
31 specified in section 20.17 prior to the school year in which
32 the reorganization becomes effective or within one hundred
33 eighty days after the organization of the new board, whichever
34 is later. If a bargaining agreement was already concluded
35 by the board or department of administrative services and

1 employees of the affected agency with the contract serving
2 as the base agreement for the school year beginning with the
3 effective date of the reorganization, that agreement shall
4 be void. However, if the base agreement contains multiyear
5 provisions affecting school years subsequent to the effective
6 year of the reorganization, the base agreement shall remain in
7 effect as specified in the agreement.

8 Sec. 11. Section 275.33, subsection 2, paragraph b, Code
9 2016, is amended to read as follows:

10 b. The board of the newly formed district or the department
11 of administrative services, as appropriate, using the base
12 agreement as its existing contract, shall bargain with the
13 combined employees of the existing districts for the school
14 year beginning with the effective date of the reorganization.
15 The bargaining shall be completed by the dates specified
16 in [section 20.17](#) prior to the school year in which the
17 reorganization becomes effective or within one hundred eighty
18 days after the organization of the new board, whichever is
19 later. If a bargaining agreement was already concluded by the
20 board or department of administrative services and employees
21 of the existing district with the contract serving as the base
22 agreement for the school year beginning with the effective
23 date of the reorganization, that agreement shall be void.
24 However, if the base agreement contains multiyear provisions
25 affecting school years subsequent to the effective date of the
26 reorganization, the base agreement shall remain in effect as
27 specified in the agreement.

28 Sec. 12. Section 279.14, subsection 1, Code 2016, is amended
29 to read as follows:

30 1. The board shall establish evaluation criteria and shall
31 implement evaluation procedures. If an exclusive bargaining
32 representative has been certified, the ~~board~~ department of
33 administrative services shall negotiate in good faith with
34 respect to evaluation procedures pursuant to [chapter 20](#).

35 Sec. 13. Section 284.3, subsection 2, paragraphs a and b,

1 Code 2016, are amended to read as follows:

2 *a.* For purposes of comprehensive evaluations, standards
3 and criteria which measure a beginning teacher's performance
4 against the Iowa teaching standards specified in [subsection 1](#),
5 and the criteria for the Iowa teaching standards developed by
6 the department in accordance with [section 256.9](#), to determine
7 whether the teacher's practice meets the requirements specified
8 for a career teacher. These standards and criteria shall be
9 set forth in an instrument provided by the department. The
10 comprehensive evaluation and instrument are not subject to
11 negotiations or grievance procedures pursuant to [chapter 20](#) or
12 determinations made by the board of directors under section
13 279.14. ~~A local school board~~ The department of administrative
14 services and ~~its~~ a certified bargaining representative may
15 negotiate, pursuant to [chapter 20](#), evaluation and grievance
16 procedures for beginning teachers that are not in conflict
17 with [this chapter](#). If, in accordance with [section 279.19](#),
18 a beginning teacher appeals the determination of a school
19 board to an adjudicator under [section 279.17](#), the adjudicator
20 selected shall have successfully completed training related
21 to the Iowa teacher standards, the criteria adopted by the
22 state board in accordance with [subsection 3](#), and any additional
23 training required under rules adopted by the public employment
24 relations board in cooperation with the state board.

25 *b.* For purposes of performance reviews for teachers
26 other than beginning teachers, evaluations that contain,
27 at a minimum, the Iowa teaching standards specified in
28 subsection 1, as well as the criteria for the Iowa teaching
29 standards developed by the department in accordance with
30 section 256.9, subsection 46. ~~A local school board~~ The
31 department of administrative services and ~~its~~ a certified
32 bargaining representative may negotiate, pursuant to chapter
33 20, additional teaching standards and criteria. ~~A local school~~
34 ~~board~~ The department of administrative services and ~~its~~ a
35 certified bargaining representative shall negotiate, pursuant

1 to chapter 20, evaluation and grievance procedures for teachers
2 other than beginning teachers that are not in conflict with
3 this chapter.

4 Sec. 14. Section 284.3A, subsection 1, Code 2016, is amended
5 by striking the subsection.

6 Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this
7 Act, being deemed of immediate importance, takes effect upon
8 enactment.

9 Sec. 16. APPLICABILITY. This division of this Act shall not
10 be construed to affect collective bargaining agreements entered
11 into before the effective date of this division of this Act or
12 parties acting under such agreements. Code 2016 provisions
13 shall continue to apply to such agreements and parties.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 DIVISION I — STATEWIDE TEACHER COLLECTIVE BARGAINING
18 AGREEMENTS. Under current law, when licensed teachers who
19 are employed by a school district or area education agency
20 engage in collective bargaining pursuant to Code chapter 20,
21 the public employment relations Act, such teachers negotiate
22 directly with their employers. This division of the bill
23 provides that the department of administrative services
24 shall conduct such negotiations with licensed teachers on
25 behalf of school districts and area education agencies on a
26 statewide basis. This requirement does not apply to collective
27 bargaining agreements entered into before the effective date of
28 the division.

29 The division requires public employees represented by a
30 certified employee organization who are licensed teachers and
31 who are employed by a school district or area education agency
32 to complete the negotiation of the first proposed collective
33 bargaining agreement negotiated pursuant to the division not
34 later than May 31, 2017, unless a different date is negotiated
35 pursuant to Code section 20.19.

1 The division prohibits a school district or area education
2 agency from negotiating or entering into a collective
3 bargaining agreement with licensed teachers that is not
4 negotiated with the department of administrative services
5 for a duration extending beyond June 30, 2017. The division
6 prohibits a school district or area education agency from
7 renewing, continuing, or otherwise extending the duration of
8 any collective bargaining agreement with licensed teachers
9 that is not negotiated with the department of administrative
10 services unless the duration of such agreement ends on or
11 before June 30, 2017.

12 The division requires the public employment relations
13 board to establish any procedures necessary to facilitate the
14 implementation of statewide collective bargaining with licensed
15 teachers and any agreement entered into pursuant to such
16 collective bargaining by school districts and area education
17 agencies that, before the effective date of the division,
18 have entered into collective bargaining agreements with such
19 employees with durations extending beyond June 30, 2017, upon
20 the expiration of such agreements.

21 The division requires the public employment relations board
22 and the department of education to submit a report to the
23 general assembly recommending any transition provisions and any
24 changes to the Code, administrative rules, or other law that
25 may be necessary to fully implement the division.

26 The division takes effect upon enactment.

27 DIVISION II — CONFORMING STATUTORY AMENDMENTS. This
28 division of the bill makes conforming statutory changes
29 relating to the implementation of statewide collective
30 bargaining by licensed teachers employed by school districts
31 and area education agencies.

32 The division shall not be construed to affect collective
33 bargaining agreements entered into before the effective date of
34 the division or parties acting under such agreements.

35 The division takes effect upon enactment.